INDUSTRIAL INSURANCE

XI

PROTECTIVE LEGISLATION

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The employers' liability law, which has already been discussed, has been pressed as far as possible on the ground that it would tend to compel the employers to use devices for protecting workmen from accident by inflicting on them heavy damages in cases where injury could be traced to their negligence. Probably this law has had some influence in this direction, but how much it would be impossible to estimate. Such legal measures have limited influence for several reasons: (1) In the absence of a definite protective code the courts have no exact standard for measuring and fixing the degree of neglect of employers and the employees themselves have no clear statement of their rights. Without factory inspection and particular requirements of law, there is no public record and publicity of injuries and fatal casualties in mines, mills, and factories; and in the absence of specific codes even inspectors have no power to order specific changes in the equipment and machinery of work places. (2) Employers imagine and seem to believe, not without some ground in experience, that it is cheaper to pay indemnities occasionally or evade them by delay and litigation, than to introduce protective devices which have proved to be effective but which cost money. (3) When the employers have paid the premiums to casualty companies for insuring themselves against costs in damage suits they imagine they have no further financial reason for going to expense to prevent accidents beyond what is absolutely necessary; the insurance company carries the risk. (4) The employers' liability law does not cover occupational diseases but only accidents.

In the purely agricultural occupations, especially before the general introduction of farm machinery, there was no demand for protective legislation. The employer shared all risks with his employees, if he had any wage-workers to assist him, and the employers' liability law was rarely invoked. The dangers of the mines very early called for the attention of legislators in the states where deposits of coal and minerals were found; and the railroads became so destructive of limb and life that state and federal legislation was called for at the demand of employees and the public. The federal Congress has no power to make laws except for the District of Columbia and for interstate commerce, with modified control of territorial affairs. Hence we cannot expect to find uniform and consistent protective laws for all the states. Naturally the states in which manufacturing and mining industries developed earliest were the first to discover the need of public control and regulation of the conditions of labor. Massachusetts has been and still is one of the leading states in this field; for there were happily combined a rapid development of industry and invention, an organization of trade-unions composed of intelligent and aggressive work people, and a general spirit of enlightened philanthropy. There also the British laws met with quick response and had great influence. Nearly in the same rank came New York and Pennsylvania. But recently some of the states of the Middle West have come into the front rank.

The chief difficulties in the way of the extension of protective legislation even in industrial states are: the traditional dislike of employers to have any kind of interference with their own absolute control of their business; intense dislike of state intervention with individual activity; the constant assertion, often honestly made, that employers do not require the spur of law to make them care for the welfare of their employees; the fear that legislation will lay burdens on manufacturers of a certain state which will cripple them in competition with manufacturers of other states; perhaps some greed for profits and dividends which dulls conscience and humanity in presence of preventable suffering and death; the dread of political corruption in the office of factory inspector if he is armed with power to order expensive

changes and impose fines. Whatever be the causes the fact remains that associations of employers invade legislatures when protective bills are offered, flood legislators with circulars calculated to bring the bills into contempt, use those devices which have effect with committees but which are very difficult for the public to discover, and by all arts finally defeat or mutilate the proposed legislation. In spite of these corrupt, selfish, or misguided attempts to hinder or prevent progress many of the employers actually do introduce many of the best protective devices and new laws are gradually coming to enactment. When the trade-unions and the public have worked out a consistent and complete social policy of protection and insurance it will be easy to secure further laws. At present in states where industry has been chiefly rural there is no educated public opinion on the subject and the conscience of the people is not directed against the abuses of our newer forms of economic life. If there were a careful and scientific code of labor legislation, drawn by experts, it would have a better chance in the legislatures.

In this chapter we shall give a brief analysis of the chief measures already in use and indicate by illustrations the direction of the movement at this time. Protective legislation is an essential part of that social policy in which industrial insurance has a large place. The tendency of protective devices is to lower the cost of insurance, while the tendency of insurance is to offer a constant and ever-present motive to avoid injuries and diseases as well as to provide indemnity when injury is inevitable. The principle underlying both movements is the social interest and duty to care for the welfare of citizens exposed through general conditions to suffering, loss, and death.

I. THE PROTECTION OF ADULT WORKMEN

1. *Hours of labor.*—The duration of labor affects the health of workmen and their liability to accident, and so industrial efficiency, earning power, longevity, and culture. Up to this time legislation has not attempted to fix the length of the working day for men and women, except of late in specific employments where it is necessary to limit the strain of toil for the sake of

health. The prevalent opinion still is that the rate of wages and the hours of labor of adults should be left to free contract between employers and employees, and to the play of competitive forces. At this point the trade-union helps nature by introducing collective bargaining and threats of strikes, and it is by the unions that reductions of the duration of labor have thus far been gained, aside from the working of interest and humanity in the minds of employers. Massachusetts found a way to shorten the working day of women within the limits of her rather liberal constitution; but the Supreme Court of Illinois voided a similar law on the ground of its unconstitutionality.

In the year 1898 the federal Supreme Court settled the principle that a state legislature may constitutionally enact a law limiting the hours of labor for adults when such limitation is necessary to preserve the health of the workmen in any particular occupation. This important decision has the effect to leave the state legislature free to diminish the day of toil when the form of labor is obviously injurious to health if too long continued (Supreme Court of the United States, February 28, 1898, Case of Holden vs. Hardy. Cf. F. Kelley, *Some Ethical Gains through Legislation,* 1905, pp. 145, 280). The decision of the Supreme Court of the United States (February, 1908), in the case of Curt Muller vs. State of Oregon, settles the principle beyond further dispute. The case involves a law prohibiting long hours of labor for adult women in laundry work, and the counsel, Mr. Brandeis, based his argument on facts showing that long hours are dangerous to the health of women and injurious to their offspring and to the race; that the only way to prevent these evils was to require shorter hours by law; that this shortening of hours was a benefit to all members of society; that no economic disadvantages would arise from the working of the law; that uniformity of law was essential to the efficient working of the measure and to justice to all employees in competition; that a ten-hour day was reasonable. Henceforth the right of a state legislature to restrict working hours of adult women cannot be denied.

The hours of labor per day for miners have been restricted by law as follows: Arizona, 8 hours; Colorado, 8 hours in

mines, smelters, or "other branches of industry or labor that the general assembly may consider injurious or dangerous to health, life, or limb" (constitution of state, adopted in 1902); Maryland, 10 hours, but contracting out is permitted; Missouri, in mines and smelting works, 8 hours, no contracting out; Montana, mines and smelting works, 8 hours, no contracting out; Nevada, mines and smelting works, 8 hours, no contracting out; Utah, mines and smelting works, 8 hours (held to be constitutional: 14 U. Rep. 71, 96; 18 Sup. Ct. Rep. 383; 57 Pac. Rep. 720); Wyoming, 8 hours.

The hours of the labor day for employees of railroads and street railways have been restricted by laws of several states: Arizona, after 16 hours the workmen must have 9 hours' rest; Arkansas, 8 hours' rest after 16 hours' service; California, street railway employees cannot contract to work over 12 hours; Colorado, 10 hours' rest after 16 hours' service; Florida, 8 hours' rest after 13 hours' work; Georgia, 10 hours' rest after 13 hours' run; Indiana, 8 hours' rest after 16 hours' work; Louisiana, 10 hours within 12 hours, except in emergency, and no contracting out; Maryland, street railways, 12 hours, no contracting out; Massachusetts, street railways, 10 hours, except on holidays; Michigan, railroads, 8 hours' rest after 24 hours' work; Minnesota, 10 hours, contract for longer hours permitted; Montana, 10 hours; Nebraska, 8 hours after 18 of service; New Jersey, street railways, 12 hours, except in emergency; New York, street railways, 10 hours, including one-half hour for dinner; in brick making, 10 hours with right to contract for longer day; railroads, 10 hours, with 8 hours' rest after 15 hours' work; Ohio, railroads, 8 hours' rest after 15 hours' work; Pennsylvania, street railways, 12 hours; Rhode Island, street railways, 10 hours within 12, contracting out permitted; Texas, 8 hours' rest after 16 of work; Washington, street railways, 10 hours, no contracting out.

The following states have fixed the length of day for work on roads and other public works: 8 hours in Arkansas, California, Colorado, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts (8 or 9 in cities), Minnesota,

Missouri, Montana, Nebraska, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Porto Rico, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, Wyoming. In South Carolina 10 hours is a legal day. In textile mills Georgia has made a legal day of 11 hours, with no contracting out except in emergencies. South Carolina has fixed 11 hours a day or 66 a week, except for engineers, and no contracting out.

In the absence of a contract the laws sometimes specify the hours of a day's work but leave the parties free to contract for a longer day. Thus the "legal day" is 8 hours in California, Connecticut, Illinois, Missouri, New York, Ohio, Pennsylvania, Wisconsin; it is 10 hours in Florida, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Rhode Island, Maryland. In New Jersey it is 55 hours in a week, between 7–12 forenoon and 1–6 afternoon; Saturday, 7–12 in factories and shops and 60 hours in bakeries. Agricultural laborers and domestic servants are not protected by these laws. The employees of the federal government, in the public printing office, laborers on public works, and letter carriers have an 8-hour day. Apparently the tendency is generally toward an 8-hour day.

2. *Weekly day of rest.*—Legislation is no doubt much influenced by traditional religious beliefs and customs, as well as by the desire for culture, recreation, and sociable converse; but the primary and decisive legal ground is the conservation of the health of the workmen. The laws are monotonously uniform in the states, although some of them are notoriously dead letters, as those governing barbers and amusements in the large cities. The general formula is that all labor and trade are forbidden on Sunday, works of necessity and charity excepted: thus Alabama, Arkansas, Connecticut, Delaware, Alaska, District of Columbia, Florida (newspapers excepted), Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Mexico, New York, North Carolina, North Dakota (games and sports included), Ohio, Oklahoma (games included), Oregon, Pennsylvania (games included), Porto Rico, Rhode Island (games included), South Carolina, South Dakota (games in-

cluded), Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming. It is expressly provided in some states and generally understood, that Jews, Adventists, and others whose religious beliefs require them to observe Saturday as a day of rest are permitted to work on Sunday; as in Arkansas, Connecticut. California, Missouri, and Pennsylvania have laws securing a weekly day of rest even if it cannot fall on Sunday. Special laws forbid the barbers to keep their places open all or part of Sunday; as in Colorado, Delaware, Illinois, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, New York, North Dakota, Ohio, Tennessee; but these laws are rarely enforced. Railroads are restricted to necessary trains, sometimes under regulations of commissioners: Connecticut, Georgia, Massachusetts, North Carolina, South Carolina, Vermont.

3. *Protection against accident and disease.*—The law of Massachusetts requires all poles of electric light companies to be insulated and the inspector of wires enforces the law. In the building industry, which with steel construction and "sky scrapers" becomes ever more dangerous, the laws of a few states provide some protection by prescribing the kinds of scaffolding, protecting floors, shafting, hoisting apparatus, etc.: California, Indiana, Maryland, Massachusetts, Minnesota, Missouri, New York, Ohio, Pennsylvania, Wisconsin, and a recent law of 1907, in Illinois. The law of New York is elaborate and carefully drawn. Employees on street railways are protected by regulations prescribing the inclosure of platforms for drivers and motor men to shield them from rain and snow and cold in winter months: Colorado, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin. The very language of all these laws is uniform, probably showing that the national union of street railway employees has secured the enactment of this desirable protection by a concerted movement, and that the national convention of factory inspectors has promoted uniformity.

The following states have enacted laws prescribing the use of fire escapes in connection with workshops and providing agencies for enforcing the law: Connecticut, Delaware, District of Columbia, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio. The requirements include iron ladders on the outside of the wall, doors to open outward, red lights to direct to exits, and fire extinguishers at convenient places. The laws of New York, Ohio, and Wisconsin are examples of carefully drawn statutes. Even when the law is good much will depend on its enforcement by a sufficient corps of competent and faithful inspectors.

Railroad safety appliances.—The number of employees injured and killed on trains and tracks is so great as to excite general interest and secure legislation. In the case of railroads which transport passengers and goods from state to state the federal Congress has used its constitutional right to make laws, and the code of interstate traffic is a model for the several states. The chief matters thus brought under regulation are: power brakes, automatic couplers, grab irons, draw bars, blocking of frogs to prevent catching the feet between rails, tell-tales or warning signals before bridges. The following states have enacted laws making regulations for local roads: Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, Ohio, Rhode Island, South Carolina, Texas, Vermont, Virginia, Washington, Wisconsin.

Reports and investigation of accidents.—Publicity of accidents is desirable to promote wise legislation and awaken public sentiment against negligence of employers and corporations. This is provided for by the federal law which requires all common carriers to report to the Interstate Commerce Commission each month all casualties. Various states require reports, coroners' inquests of fatal accidents, and careful investigation of the causes of injuries; as Alabama, Connecticut, Massachusetts, New York,

South Carolina, Vermont. Recent legislation in Wisconsin and Illinois gives promise of favorable results in this field.

Protection of agricultural laborers.—Apparently only three states (Illinois, Iowa, and Wisconsin) have begun to make laws on this subject, in spite of the fact that dangerous machinery is used on a vast scale in the rural occupations. In the states named the law requires the owners of threshing and shelling machines which are run by horse or steam power to provide for them proper protective guards.

Inspection of steam boilers.—The laws on this subject are of unequal value. The inspection is sometimes committed to state officials and sometimes to local authorities. The legal regulations in the better laws give minute directions for testing the boilers by hydrostatic pressure, the tension required, gauge cocks, safety valves, fusible plugs, qualifications of engineers, etc. The following states have made laws on this subject: Colorado, Connecticut, Florida, Indiana, Iowa, Maine, Missouri, Massachusetts, Michigan, Minnesota, New York, Ohio, Pennsylvania, Vermont.

Mine regulations.—The principal points guarded in these laws are ventilation of mines, testing the air, provisions of stretchers and blankets, bandages, etc., in case of injuries, exits in the walls, supporting timbers for the roof, safety lamps, escape shafts, maps of mines, secure cages and elevators, and signals. It is a general principle that accidents must be reported and investigated. The following states, besides the federal government, have enacted codes of mine regulations: Alabama, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wyoming. The law of Pennsylvania is quite elaborate, since the conditions of the anthracite and the bituminous mines are quite different. The laws of New York, Illinois, and Indiana may be studied as types of carefully drawn regulations.

II. THE EMPLOYMENT OF WOMEN

The general doctrine governing the employment of adult women is that sex is no disqualification for occupation; a woman is free to make a contract for work and wages equally with a man. This principle is distinctly affirmed in the laws of California, Illinois, and Washington. Thus the constitution of California (Art. 20, sec. 18) says: "No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession." This principle does not carry with it the duty of serving on police or jury or in the army, nor the right of suffrage or holding public office, unless there is express legal provision. But this doctrine must be further modified when health, decency, and morality are in danger; and so we have specific limitations and prohibitions of the occupations of women. Some employments are entirely closed to women. Thus women and girls are prohibited from employment where intoxicating liquors are sold: in Alaska (Act of Congress), Iowa, Louisiana, Maryland, Michigan, Missouri, New Hampshire, New York, Vermont, Washington. Sometimes the wife or daughter of the barkeeper may be excepted from the prohibitory rule. The employment of women and girls in and about mines, except in offices, is generally forbidden, as in Pennsylvania and Alabama.

Various laws, apparently passed in consequence of a general movement of women's clubs throughout the country, uniform in language, are designed to insure suitable surroundings and conveniences for women workers. Thirty-two states have laws requiring seats for female employees in mercantile establishments and factories, and their use must be permitted for rest when the women are not actively engaged in an occupation which prevents them from sitting down. Separate washing and dressing rooms and water closets must be provided. Rooms must be kept comfortably warm in cold weather. Abusive, profane, and indecent language and all improper treatment are forbidden (laws of Delaware, Indiana, Louisiana, Ohio, Tennessee, Nebraska, Oregon, Washington).[1]

[1] Case of Curt Muller vs. Oregon.

Massachusetts, with its enlightened social policy and liberal constitution, provides that no woman can be employed in a mercantile establishment more than 58 hours per week, except in emergencies, nor in a manufacturing establishment more than 10 hours a day, or 58 hours a week, with similar exceptions. The supreme court of the state has approved this law (120 Massachusetts 383). Illinois passed a similar law, but it was made void by its supreme court. The law of Colorado forbids the employment of women of 16 years of age or more during more than 8 hours in 24, when the occupation requires her to stand on her feet. The limit is fixed at 10 hours in North Dakota, Oklahoma, Rhode Island, South Dakota, Virginia, Louisiana, New Hampshire, Connecticut, Oregon, Washington, Nebraska; at 8 hours in Wisconsin. In New York women between 16 and 21 years may not work over 60 hours in a week; in Pennsylvania, 12 hours a day, but not over 60 hours in a week.

Indiana forbids women to work in factories between 10 P. M. and 6 A. M. Massachusetts and Nebraska have the same rule. In New York the prohibited hours are between 9 P. M. and 6 A. M.

III. CHILDREN

While legislatures and courts in the United States have been slow to interfere with the right of contract and the control of work places by employers so long as adults only are concerned, they have been led to take a different view of the duty of the state in relation to children and minors. Here the failure of the *laissez-faire* policy is too obvious to ignore, and even the ancient English law regarded children as objects of particular concern of certain courts.

Very generally there are statutory prohibitions, supported by penalties and enforced by inspectors, against the employment of children in public exhibitions and in occupations dangerous to health and morals, as mendicancy, acrobatic and immoral employments. Such laws have been enacted in California, Colorado, Connecticut, Delaware, Georgia, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hamp-

shire, New Jersey, New York, Ohio, Pennsylvania, Porto Rico, Rhode Island, Virginia, West Virginia, Wisconsin, Wyoming. Employment of children in barrooms and other places where intoxicants are sold is forbidden by law in Connecticut, Alaska (Act of Congress), Georgia, Missouri, Massachusetts, South Dakota. Work in mines is universally known to be dangerous to children and the laws of the following states prohibit work of boys (as well as of females) in mines; the age being fixed at 12 or 14 years: Alabama, Arkansas, Colorado, Illinois, Indiana, Missouri, Pennsylvania (16 years in mines, 14 outside), Utah, Washington, West Virginia, Wyoming. There is a marked tendency to regard it as improper to permit the employment of children and youth in factories and mercantile establishments at the sacrifice of elementary education. The most advanced position is taken by those states which positively prohibit the work of children under a certain age and require their parents and guardians to keep them in school if the public schools are in session. Thus in Massachusetts children must attend school from the seventh to the fourteenth year. In Montana children must attend school from the eighth to the fourteenth year, not less than 16 weeks in the year. In the enforcement of these laws a difficulty has been met: there are families so poor that the earnings of the children seem to be required to supply the wants of the family. This difficulty has been met in some states in a way which seems disgraceful by giving poor widows and incapable fathers permission to keep their children out of school and take their earnings. This is the law in Texas for children 12 to 14 years of age. Other states find the same difficulty but overcome it in more honorable fashion—they provide material relief for the family and do not permit the child to bear the sacrifice; thus Indiana and Ohio. Private charity sometimes intervenes.

Even after school age, usually 14 to 16, if the young person is still unable to read and write English, he must in some states either attend the evening schools, or attend the day schools until he acquires a certificate of proficiency; thus Washington, New Hampshire, Maryland, Massachusetts, Michigan, Minnesota, Montana, Connecticut, Maine.

Permitted child labor is subject to regulation to prevent abuses. Thus in New York there is a carefully devised code (*Labor Laws,* p. 825) which prescribes that annual licenses must be given to children who are permitted to engage in street trades.

Age limit.—Rather slowly but with sure step legislation moves forward in the direction of preventing the exploitation of the vitality of young children by premature labor. There is a gradation in the prohibitions; for young children work in factories and mercantile establishments is usually altogether forbidden; for young persons it is permitted with various restrictions. The children under 12 years are simply forbidden to work in factories and mills; as in California, Maine, Maryland, New Hampshire, North Carolina, Wisconsin. Children under 12 are forbidden to work unless their parents are very poor, as in Alabama, Texas, Arkansas; but even there children under 10 cannot be excepted. In Minnesota the age is 14 years, but children of dependent parents may be licensed to work. In Rhode Island all labor under 12 is forbidden. In South Carolina 12 years is the limit. In Louisiana boys cannot work under 12 nor girls under 14 years; in Pennsylvania, 13 years; in Massachusetts, Indiana, New York, Michigan, New Jersey, Ohio, Oregon it is 14 years. Children are forbidden to work while public schools are in session in Illinois, South Dakota (8–14 years), Vermont (15 years), Washington (15 years), Wisconsin (12–14 years). Young persons from 12–16 years may work under regulations, as in California, if they have certificate of age and education. In Massachusetts those between 14–16 years must be certificated.

The hours of labor are restricted by law: in Alabama, under 12 years, 66 hours a week; Arkansas, under 14 years, 60 hours a week; California, under 18 years, 54 hours a week; Illinois, under 14 years, 8 hours a day—under 16 years, 48 hours a week; Indiana, under 16 years, 60 hours a week; Louisana, under 18 years, 10 hours a day; Maine, females under 18, male under 16, 10 hours a day; Minnesota, under 14 years, 10 hours a day; New York, under 16 years, 9 hours a day; under 18 years, 60 hours a week; North Carolina, under 18 years, 66 hours a week;

Oregon, under 16, 10 hours a day, 6 days; Wisconsin, under 18 years, 8 hours a day.

Night work of children.—Children of 13–15 years are not to work between 7 P. M. and 6 A. M. in Alabama, Arkansas, Illinois, Massachusetts, Michigan, Ohio, Oregon. In New York the law forbids children under 16 years from working between 9 P. M. and 6 A. M.; in South Carolina children under 12 may not work between 8 P. M. and 6 A. M. In Texas children 12–14 years may not work between 6 P. M. and 6 A. M. Minnesota requires a certificate of physical fitness for work—a principle which is influential in the discussion and legislation of other states. The inadequacy of the age test alone is generally recognized.

IV. FACTORY INSPECTION

No protective law is self-enforcing, and it is evidence of moral insincerity or ignorance in a legislature to pass a code of regulations without providing money and organization for competent inspection of work places. The majority of employers in all countries, as a rule, will not voluntarily execute a law which casts on them a financial burden and trouble, and employees are everywhere afraid to complain for fear of discharge from employment. As might be expected from what has already been said, there is no general system of regulation and inspection common to all the states. Yet one can discover considerable similarity and even identity of language in the laws. The older states copied many provisions from the British laws and the newer states imitated these. In the volume of *Labor Laws* which is here used for data we observe the greatest differences in extent of provisions, from the elaborate codes of New York, Massachusetts, Pennsylvania, down to the statute of Nevada whose sole contribution seems to be the requirement that set screws must be countersunk! Sometimes the statute makes a rigid requirement and leaves it to benevolent employers to interpret and apply at their discretion, and sometimes the office of inspector is created without giving the partisan appointee any serious duties to perform. Probably it is expected in such cases that the "County Chairman" will keep him busy at patriotic tasks! In the purely agricultural states,

rapidly diminishing in number, the need for regulations is not widely felt; but factories are rapidly springing up everywhere and control becomes imperative. Factory inspectors are appointed in the following states: California, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Maine, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, Wisconsin. Mine inspectors are appointed in Alabama, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Missouri, Montana, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Utah, Washington, West Virginia, Wyoming, United States (federal laws). There are railroad inspectors in Massachusetts, Michigan, Ohio, Washington.

Since it is impossible to describe in this place all the forms of organization, we may select New York as one of the most highly developed and specialized. By law a department of labor was created, over which is placed a commissioner of labor appointed by the governor by and with the advice of the senate. The commissioner of labor has the powers and duties belonging to the offices of factory inspector, labor statistics, and mediation and arbitration, and three bureaus exist for these three objects. The immediate direction of the bureau of labor statistics is lodged with a deputy commissioner, while another deputy commissioner has charge of the bureau of factory inspection. The commissioner of labor, with the aid of the deputy named, is required to collect, assort, systematize and present in annual reports to the legislature statistical details in relation to commercial, industrial, social, and sanitary conditions of workingmen and productive industries in the state. Employers are required by law to furnish information desired. A free public employment bureau is under the charge of the commissioner of labor in several cities of the state. The factory inspector may appoint not more than fifty persons as deputy factory inspectors, not more than ten of whom shall be women, and these may be removed by him at any time. The salary of the deputy factory inspector is $1,200. Special deputies are appointed to inspect bakeries and mines. It is the

duty of the inspectors to visit factories as often as practicable and to enforce the laws. Any lawful municipal ordinance relating to factories shall be enforced by the state inspectors. The salary of the commissioner is $3,000 and of his two deputies $2,500 each; but the positions may change with party or factional changes and there is little prospect for a professional career. If an employer violates the law the inspector lays complaint before the county attorney, with all the proofs, and it is the duty of the attorney to prosecute. In certain cases the inspector is authorized to accept arrangements which he regards as equivalent to those named in the law; for example, the fire escape in a factory may be of any kind which in the judgment of the inspector is reliable and sufficient for its purpose. The inspector of a bakery may determine the method of drainage and ventilation in a building. The department can make regulations for the security of miners in coal mines and quarries. An employer who tries to hinder an inspector is liable to punishment. Supervision of home industries in making clothing belongs to boards of health, while workmen on railroads are under the care of railroad commissioners. The inspection of steam boilers in the city of Greater New York is under the charge of the police authorities. This board is empowered to appoint inspectors and make regulations.

Similar provisions were recommended to the legislature of Illinois at the last session in 1907 but rejected, for the most part, chiefly on the ground that the law gave too much authority to the factory inspector. In America, where the "spoils system" is still at work with corrupting influence, the factory inspector is feared by employers not only because he is tempted to enforce the law too rigidly but because custom makes bribes and blackmail only too frequent.